

JAP:AL

M-10-717

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

ELIO YAN BIENEME,

Defendant.

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

CHRISTOPHER CHEN, being duly sworn, deposes and states that he is a Special Agent with United States Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

Upon information and belief, on or about June 21, 2010, within the Eastern District of New York and elsewhere, the defendant ELIO YAN BIENEME did knowingly, intentionally and unlawfully import into the United States from a place outside thereof cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. On June 21, 2010, the defendant ELIO YAN BIENEME (the "defendant") arrived at John F. Kennedy International Airport in Queens, New York ("JFK") aboard JetBlue Airlines flight 826 from Santo Domingo, Dominican Republic.

2. During an examination, a Customs and Border Protection Officer noticed that the defendant appeared visibly nervous. The defendant stated that he had stayed with his wife in the Dominican Republic. However, when his wife was contacted to confirm this, she declined to answer the CBP Officer's questions. In addition, the defendant was not able to provide phone numbers for any other person who knew that he had arrived in New York.

3. The defendant was then presented with an x-ray consent form, which he read, appeared to understand, and signed.

4. The defendant was transported to the medical facility at JFK, where an x-ray was taken of the defendant's intestinal tract, which was positive for foreign bodies. On June 21, 2010, at approximately 5:30 a.m., the defendant passed twenty-nine (29) pellets, one of which field-tested positive for the presence of cocaine. The defendant was then placed under

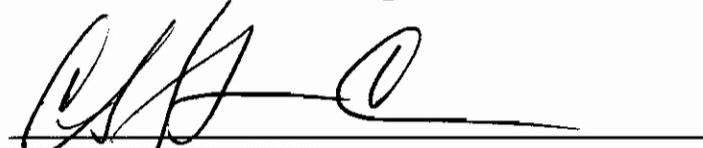
^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

arrest, and he waived in writing his right to a speedy arraignment

5. As of June 22, 2010 at 11:55 a.m., the defendant had passed approximately ninety-six (96) pellets in total.

6. The defendant will be detained at the JFK medical facility until such time as he has passed all the pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully requests that the defendant ELIO YAN BIENEME be dealt with according to law.



CHRISTOPHER CHEN
Special Agent
U.S. Department of Homeland Security
Immigration and Customs Enforcement

Sworn to before me this
22nd day of June, 2010

HONORABLE ROANNE L. MANN
United States Magistrate Judge
Eastern District of New York